

**Enrolled Minutes of the Forty-ninth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Business Meeting
Monday, November 13, 2017**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 13, 2017 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen were present. The Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.

The study session ended at 6:59 O'clock p.m.

Regular meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 13, 2017 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Dan Vassar, presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Councilor Konnie Kuiper reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett Tauber, Esq. Town Attorney; Pete Hojnicky, Police Chief; John M. Bach, Public Works Director; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, Jr., CFOD, Fire Chief; and Kenneth J. Mika, Building Commissioner; and Kathy DeGuilio-Fox, Redevelopment Director were present.

Additionally present: Ed Dabrowski, Contract Information Technology Consultant was additionally present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 23 October and the special meetings of October 30 and November 06 2017, was approved by general consent.

Staff Reports: The following staff reports were received and filed.

- **Building & Inspection Report for October 2017**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	7	0	7	\$4,071,139.00	52,170.00
Signs:	4	0	4	\$45,650.00	\$1,136.00

Single Family:	1	1	0	175,000.00	\$2,448.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	2	2	0	\$117,600.00	\$1,996.00
Residential Remodeling:	84	84	0	\$551,407.00	\$11,012.50
Garages:	2	2	0	\$31,000.00	\$798.00
Sheds:	2	2	0	17,525.00	\$512.50
Decks & Porches:	2	2	0	\$4,000.00	\$351.50
Fences:	6	6	0	\$13,932.00	\$617.00
Swimming Pools:	0	0	0	\$0.00	\$0.00
DrainTile/ Waterproofing:	1	1	0	\$17,623.00	\$294.50
Miscellaneous	2	2	0	\$0.00	\$269.00
	113	102	11	\$5,044,876.00	\$71,605.00
Electrical Permits	27	21	6		\$2,703.00
Mechanical Permits	21	18	3		\$1,699.00
Plumbing Permits	8	7	1		\$851.12
Water Meters	3	3	0		\$920.00
Water Taps	2	2	0		\$400.00
Sewer/Storm Taps	1	1	0		\$300.00
TOTAL Plumbing:	14	13	1		\$2,471.12

October Code Enforcement:

Investigations: 27
Citations: 04
Warnings: 27

October Inspections:

Building: 39 Electrical: 30 Plumbing: 12 HVAC: 19
Electrical Exams: 0

• **Fire Department Report for October 2017**

	Month	2nd half of year
General Alarms	23	65
Still Alarms	03	17
Paid still alarms	36	133
Total:	47	

• **Workplace Safety Report for October 2017**

There were two incidents to report for August. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2017	Total in 2016	Restricted Days 2017	Lost Workdays This Year (2017)	Restricted Days Last Year (2016)	Lost Workdays Last Year (2016)
Parks	0	0	1	0	0	12	0
Fire	0	0	1	0	0	0	0
Police	1	6	6	0	304	2	21
Street	0	0	1	0	0	0	0
Water & Sewer	0	2	6	0	0	14	0

Maint.	0	2	1	0	0	0	0
Other	0	0	0	0	0	0	0
TOTALS	0	10	16	0	304	28	21

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

General Orders and Unfinished Business:

- 1. Consideration of the Compliance with the Statement of Benefits as filed and represented by People’s Bank S.B. 3915, 3919 & 3927 Ridge Road, Highland.** *At its meeting of September 14, 2015, the Highland Town Council passed Resolution No. 2015-37 approving this application and its terms for property tax abatement upon the increase in assessed value of \$667,800 as well as a new job and retention of five existing jobs all in consequence of construction of a new building, a People’s Bank SB Branch at 3915, 3919 and 3927 Ridge Road, for a period of time not to exceed ten (10) calendar years, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. This is the first review for compliance by the petitioner of its terms in the application.*

Councilor Zemen moved to find the applicant in compliance with the terms of the abatement and to allow for the abatement to remain in place for another year. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. People’s Bank was found in compliance and the abatement permitted to continue.

- 2. Proposed Ordinance No. 1660:** An Ordinance To Make Several Technical Amendments To The Current Code Of Ordinances For The Town Of Highland, State Of Indiana, Revising, Restating, Arranging And Compiling Certain Existing General Ordinances Of The Town Of Highland Dealing With Subjects Embraced In Such Code Of Ordinances Into A Simplified Code, Without The Formal Recitals And Other Parts Of The Individual Ordinances, Making Such Code Positive Law Of The Municipality, All Pursuant To IC 36-1-5 Et Seq.

Councilor Herak introduced and filed Ordinance No. 1660. There was no further action.

- 3. Action to approve overtime pay for Exempt Salaried Personnel associated with a task or duty not regularly associated the exempt salaried worker, pursuant to Section §4.03.04 of the Compensation and Benefits Ordinance, and suspending Section 10(G)(4) of the Wage and Salary Ordinance most recently enacted as amended.**

(A) **Proposed Enactment No. 2017-42:** *An Enactment to Approve Overtime Payments for Exempt Salaried Supervisory Personnel as set forth in Section 4.03. 04 of the Compensation and Benefits Ordinance, and Suspending Section 10 (G) (4) of Salary Ordinance in order to authorize a Particular Pay rate and its Payment.*

Councilor Herak introduced Enactment No. 2017-42 and moved for its consideration at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption of Enactment No. 2017-42 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no

negatives. The motion passed. The Enactment was passed and adopted at the same meeting of its introduction.

Town of Highland
ENACTMENT NO. 2017-42

AN ENACTMENT TO APPROVE OVERTIME PAYMENTS FOR EXEMPT SALARIED SUPERVISORY PERSONNEL AS SET FORTH IN SECTION 4.03. 04 OF THE COMPENSATION and BENEFITS ORDINANCE, and SUSPENDING SECTION 10 (G) (4) OF SALARY ORDINANCE IN ORDER TO AUTHORIZE A PARTICULAR PAY RATE AND ITS PAYMENT.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, One Exempt Salaried Officer was authorized and directed to work a special detail, providing patrol by police car, unrelated to a special event, but rather undertaken as a particular law enforcement initiative;

WHEREAS, The current wage and salary ordinance provides for no particular rate for overtime worked by exempt salaried supervisory workers in the assignments herein shown, except as may be experienced under the terms of Section § 4.03.05 of the Compensation and Benefits Ordinance, which reads: *"Patrol Division Police Officers work on a twenty-four day work cycle beginning with the first day of the cycle on a 4 days on and 2 days off schedule with an 8.5 hour work day, 39.88 hour work week. Pursuant to the Fair Labor Standards Act (FLSA), the maximum number of hours to be worked prior to time and one-half compensation for overtime is 147 hours for the twenty-four day work cycle;*

WHEREAS, Section 4.03.02 of the Compensation and Benefits Ordinance commonly called the Employee Handbook, does provide that *"Except as provided in Section 4.03.03, with the approval of the department head, all salaried supervisory personnel exempt from the Fair Labor Standards Act may be scheduled and receive appropriate overtime pay or compensatory time off. Such pay will not be calculated at any time and one half premium but rather at the straight time hourly calculation of the particular worker's composite pay, unless otherwise provided in this handbook or the wage and salary ordinance;*

WHEREAS, Section 4.03.04 of the of the Compensation and Benefits Ordinance commonly called the Employee Handbook does further provide that *"In all cases, when the overtime assignment involves a task or duty that is not part of the regular task or duty associated with the exempt supervisory worker, the rate of pay must be authorized in an ordinance of the Town Council"*,

WHEREAS, The current language governing such pay for such an assigned detail not part of the regular task or duty associated with the exempt supervisory worker, when worked by exempt supervisory workers, requires that the rate of pay be authorized in an ordinance of the Town Council;

WHEREAS, The Metropolitan Police Chief has recommended that the Town Council authorize for payments to be made to the particular exempt salaried personnel, to be based upon actual hours worked on the detail at a rate of 1.0 time the exempt salaried officer's base pay plus longevity not at the rate of a usual patrol officer but at the hourly equivalent of the salary for Commander, an assignment in the metropolitan police department; and,

WHEREAS, The Town Council now desires to act to permit the pay as recommended,

NOW, THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby makes the following findings and determinations:

(A) That the provisions of the most recently adopted Wage and Salary Ordinance as amended, have no existing assigned detail for covering the particular overtime sought by the exempt supervisory officer;

(B) That the provisions of Section 10 (G) (4) of the Wage and Salary Ordinance as amended, particularly reading, *"No rate of pay may be fixed for any regular duty or special detail or described employment, regardless of the source of funds, that has not been authorized or provided for in this Wage and Salary Ordinance as amended in effect or the Compensation and Benefits Ordinance as amended and in effect,"* shall be temporarily suspended;

(C) That pursuant to the terms of Section 4.03.04 of the of the Compensation and Benefits Ordinance commonly called the Employee Handbook, which reads: "*In all cases, when the overtime assignment involves a task or duty that is not part of the regular task or duty associated with the exempt supervisory worker, the rate of pay must authorized in an ordinance of the Town Council*" the adoption of this enactment shall serve as authorization in an ordinance of the Town Council and serving further as approval of overtime pay for the exempt salaried employees herein identified;

Section 2. That the following details or assignments which are not associated with the duties of the following named exempt salaried supervisory workers, holding the position of Commander in the Highland Police Department are hereby authorized and allowed to be paid in the rate of pay identified, which is represents the converted composite hourly rate of the biweekly salary for each person identified herein;

(A) **R. Potesta, CID Commander**, to be paid at the hourly rate of **\$36.28** for the following:

(1) four (4) hours worked in *special park patrol duty* in the **month of October 2017**, which is one time the calculated hourly rate plus longevity for the bi-weekly salary associated with the position of *Division Commander*, a senior administrative position not usually performing park patrol duties, for a total amount of **\$145.12**;

Section 3. That the forgoing action is limited to the instance herein described and the provisions of Section 10 of the Wage and Salary Ordinance and Sections § 2.01 and § 4 of the Compensation and Benefits Ordinance otherwise remain in full force and effect, nor shall this approval and waiver be seen as predictive of any further authorizations or approval of such pay;

Section 4. That the Town Council President a municipal executive be authorized to sign authorizing forms for the payment of the overtime;

Section 5. That the Clerk-Treasurer shall have authority to implement within a reasonable time these provisions regarding wage changes occurring between the effective dates set forth retroactively in this ordinance, if any, and the date of its passage and adoption.

Introduced and Filed on the 13th day of November 2017. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 13th day of November 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 4. Works Board No. 2017-28:** An Order Authorizing, and Approving the Payment of Elective Honoraria or Stipends to the Several Municipal Departments and Select Participants in Recognition of and in Goodwill for their Assistance and Support of the Several Events under the Aegis of the Community Events Commission and Ratifying the Payment of Elective Honoraria in the Annual Highland Fourth of July parade.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2017-28. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
WORKS BOARD ORDER NO. 2017-28**

AN ORDER AUTHORIZING, AND APPROVING THE PAYMENT OF ELECTIVE HONORARIA OR STIPENDS TO THE SEVERAL MUNICIPAL DEPARTMENTS AND SELECT PARTICIPANTS IN RECOGNITION OF AND IN GOODWILL FOR THEIR ASSISTANCE AND SUPPORT OF THE SEVERAL EVENTS UNDER THE AEGIS OF THE COMMUNITY EVENTS COMMISSION AND RATIFYING THE PAYMENT OF ELECTIVE HONORARIA IN THE ANNUAL HIGHLAND FOURTH OF JULY PARADE.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

Whereas, The Highland Community Events Commission, did organize and marshal several community events which included but were not limited to the annual Independence Day and Christmas Parades, the annual Independence Day Festival, and Historic Re-Enactments; and

Whereas, The Highland Community Events Commission did rely on the support and special services of the Highland Parks and Recreation Department, the Public Works Department (Agency) and the Volunteers in Police Services (VIPs) bureau as well as the Police Explorers of the Metropolitan Police Department in carrying out its programming for the year;

Whereas, The Highland Community Events Commission has informed the Town Council that it has been customary and is highly desirable for the payment of an honorarium or stipend to some of the participating municipal departments in recognition of their laudable support and contribution to the special event programming during the year;

Whereas, The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends;

Whereas, The Town Council has been reliably advised that many employees of the Highland Parks and Recreation Department and the Public Works Department (Agency) and the Volunteers in Police Services (VIPs) bureau of the Metropolitan Police Department, do expend time, labor and creative process to support the Town of Highland's community programming; and,

Whereas, The Highland Community Events Commission, did organize and marshal the annual Fourth of July Parade; and

Whereas, The Highland Community Events Commission has recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends; and,

Whereas, Under its authority of IC 36-1-3, The Town passed and adopted Section §2.35.030 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and,

Whereas, The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Community Events Commission, as made at its meeting of September 14, 2017,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the following named municipal departments, agencies or departmental bureaus, be paid an elective honorarium in the amount specified, in appreciation and recognition of their contribution and support for the year's community events, as follows:

(A)	Parks and Recreation Department	\$500.00
(B)	Public Works Department (Agency)	\$300.00
(C)	VIPS Bureau of the Metropolitan Police Department	\$100.00
(D)	Police Explorers	\$100.00
(E)	Highland Police Department	\$200.00
(F)	Highland Fire Department	\$200.00

Section 2. That the following named groups or bands, which participated in the most recent **Fourth of July Parade**, as may be identified by the Community Events Commission, be paid an elective honorarium, in appreciation and recognition of this participation as follows:

(A)	Lady Shriners	\$200.00
(B)	Hobart Shriners	\$200.00
(C)	Michigan City Orak Shriners	\$200.00
(D)	Bishop Noll Band	\$250.00
(E)	Highland High School Band	\$250.00
(F)	Morton High School Band	\$250.00

Section 3. That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §2.23.030 of the Highland Municipal Code which reads as follows:

§ 2.35.030 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.

Section 4. That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

Section 5. That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and accounts for the benefit of each of the several municipal departments, agencies or bureaus as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein fixed, to be paid to the proper *donation fund*, for the benefit of the named municipal department, agency or bureau, and to take such other measures to carry-out the purposes and objects of this order;

Section 6. That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and accounts for the benefit of each of the several participating groups or bands as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein fixed, to be paid according to law;

Section 7. That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

Be it so ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of November 2017 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 5. Works Board No. 2017-29:** An Order of the Works Board Accepting the Report of Appraisers filed with the Lake County Superior Court on November 9, 2017 by the Court appointed appraisers pursuant to Condemnation Action of the Town of Highland (Plaintiff) against BKO Properties, LLC (defendants) for Right-of-Way Acquisition (Real Estate), Permanent and Temporary at 2950 45th Avenue, Highland, Indiana and Approving and Authorizing Payment to the Clerk of the Lake County Superior Court in the amount of \$16,300, all related to the 45th Avenue and 5th Street Intersection Improvement Project.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2017-29. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Order of the Works Board No. 2017-29**

An Order of the Works Board Accepting the Report of Appraisers filed with the Lake County Superior Court on November 9, 2017 by the Court appointed appraisers pursuant to Condemnation Action of the Town of Highland (Plaintiff) against BKO Properties, LLC (defendants) for Right-of-Way Acquisition (Real Estate), Permanent and Temporary, at 2950 45th Avenue, Highland, Indiana

and Approving and Authorizing Payment to the Clerk of the Lake County Superior Court in the amount of \$16,300, all related to the 45th Avenue and 5th Street Intersection Improvement Project

Whereas, The Town of Highland, through its Town Council (Town), which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore determined that a need exists to improve the intersection of 45th Avenue and 5th Street and to procure design engineering services associated with said street reconstruction and other improvements, to be known as the 45th and 5th Street Intersection Improvement Project (Project); and

Whereas, The Town did adopt Works Board Order No. 2014-06, on March 10, 2014, which procured and approved preliminary design and professional engineering services from First Group Engineering, Incorporated, for the Project; and,

Whereas, First Group Engineering, Incorporated, during the course of the design, had identified certain parcels of real estate that needed to be acquired for public Right-of-Way (ROW) in order to construct the Project according to the approved design plans and specifications; and,

Whereas, The Town did adopt Works Board Order No. 2015-42, on December 28, 2015, which procured and approved a Supplemental Agreement to complete the preliminary design services set forth in the agreement now in force and to further provide **and furnish ROW acquisition services**, supplemental design engineering and professional services for the Project; and,

Whereas, First Group Engineering, Incorporated completed the ROW services, which included ROW engineering, title research, ROW staking, ROW management, appraising, and buying on ten (10) parcels of real estate, all pursuant to federal guidelines; and,

Whereas, BKO, Properties, LLC, property owner of Right-of-Way, permanent and temporary, identified as Parcel 7, located at 2950 45th Avenue, legal description attached hereto as exhibit A, was presented with and rejected an Offer to Purchase, by the Buyer on behalf of the Town, causing the Town to exercise its right of eminent domain and file a condemnation action in the Lake County Superior Civil Court against the property owner in order to appropriate the property for the public roadway improvement; and,

Whereas, The Lake County Superior Civil Court did appoint three (3) certified appraisers to determine the fair market value of the property, including damages, and presented a Report of Appraisers to the Court, filed on November 9, 2017, stating the Total Damages for Defendant at Sixteen Thousand Three Hundred Dollars and no Cents (\$16,300.00); and,

Whereas, The Town of Highland, through its Town Council, now desires to accept the Report of Appraisers and approve payment to Clerk of the Lake County Superior Court in the amount of court ordered appraisal; and,

Whereas, There are sufficient and available appropriations balances on hand to support the payment set forth herein, pursuant to IC 5-22-17-3(e) or by the required vote set forth in IC 36-1-12-3.5,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board:

Section 1. That the Town Council hereby accepts the Report of Appraisers, attached hereto and made part of this Order, filed with the Lake County Superior Court on November 9, 2017 by the Court appointed appraisers, pursuant to Condemnation Action by the Town of Highland (Plaintiff) against BKO Properties, LLC (defendants) for Right-of-Way acquisition (Real Estate), permanent and temporary, legal description attached hereto as Exhibit A, at 2950 45th Avenue, Highland, Indiana in the amount of Sixteen Thousand Three Hundred Dollars and no Cents (\$16,300.00), all related to the 45th and 5th Street Intersection Improvement Project;

Section 2. That the Town Council hereby approves and authorizes payment to the Clerk of the Lake Superior Court in the amount of the appraisal, as set for herein, and instructs the Town Attorney to deliver the payment to the Clerk of the Court and to file such documents necessary to appropriate the property described for the public roadway improvement.

Be It So Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of November 2017 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

6. **Works Board No. 2017-30: An Order Finding and Determining Certain Personal Property of The Municipality As No Longer Needed For The Purposes For Which Originally Acquired Or Have Been Left In The Custody Of An Officer Or Employee Of The Town Of Highland And Have Remained Unclaimed For More Than One (1) Year or Have Been Deemed Worthless and of No Market Value, And Further Authorizing And Approving Disposal Or Transfer Of Said Property.**

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2017-30. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND
BOARD of WORKS ORDER NO. 2017-30

AN ORDER FINDING and DETERMINING CERTAIN PERSONAL PROPERTY OF THE MUNICIPALITY AS NO LONGER NEEDED FOR THE PURPOSES FOR WHICH ORIGINALLY ACQUIRED OR HAVE BEEN LEFT IN THE CUSTODY OF AN OFFICER OR EMPLOYEE OF THE TOWN OF HIGHLAND AND HAVE REMAINED UNCLAIMED FOR MORE THAN ONE (1) YEAR OR HAVE BEEN DEEMED WORTHLESS AND OF NO MARKET VALUE, AND FURTHER AUTHORIZING AND APPROVING DISPOSAL OR TRANSFER OF SAID PROPERTY

WHEREAS, The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3) and

WHEREAS, The Town Council has been advised by the Metropolitan Police Department that several items of personal property particularly, several computers whose warranties have expired, all owned by the municipality are no longer needed for the purposes for which it was originally acquired, pursuant to IC 5-22-22; and

WHEREAS, The Metropolitan Police Chief has recommended that disposal of the personal property be authorized, all pursuant to the provisions of IC 5-22-22 et seq.;

WHEREAS, The Metropolitan Police Chief has further recommended that disposal of the personal property be executed by the purchasing agent, all pursuant to the provisions of IC 5-22-22-3; and

WHEREAS The Town Council now desires to favor the recommendation and take those steps necessary to authorize and approve a disposal of personal property of the municipality pursuant to the applicable law,

NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Town Council of the Town of Highland acting as the works board, hereby finds and determines the following:

(A) That there are certain articles of personal property possessed or owned by the municipality, that are no longer needed, unfit for the purposes for which they were acquired, pursuant to IC 5-22-22-3; or,

(B) That these same articles of personal property possessed or owned by the municipality, that have been left in the custody of an officer or employee of the Town of Highland and have remained unclaimed for more than one (1) year, pursuant to IC 5-22-22-3; or,

(C) That these same articles of personal property possessed or owned by the municipality, that may be deemed worthless or no market value as the estimated costs the sale and transportation of the property exceed the property value, pursuant to IC 5-22-22-8;

(D) That they these items of personal property are more particularly described in an **exhibit** attached to and incorporated in this works board order;

(E) That the value of any single item of personal property is less than one thousand dollars (\$1,000), **and** that all the items of personal property together are less than \$5,000, all pursuant to IC 5-22-22;

Section 2. That the Metropolitan Police Chief is hereby authorized and instructed to cause a lawful disposal or transfer of the personal property identified in this Works Board Order by public or private sale or transfer without advertising pursuant to IC 5-22-22-6;

Section 3. That no proceeds are expected but should proceeds arise, any and all proceeds yielded from the lawful disposal or transfer authorized by this order shall be deposited with the Office of the Clerk-Treasurer, where such proceeds shall be deposited to the credit of the proper fund.

BE IT SO ORDERED.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 13th day of November 2017 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Exhibit of Personal Property for Disposal

	Description of Item	Estimated Value of Item	Serial (Service) Numbers	Highland Tags	Direction for Deposit of Proceeds (If any are realized)				Municipal Cumulative Capital Development Fund
					Police Pension Fund	Corporation General Fund	Federal Forfeiture and Seized Assets Fund	Local Forfeiture and Seized Assets Fund	
	INDIVIDUAL								
1	DELL OPTIPLEX 7020 DESKTOP COMPUTER	0.00	4DF8R22	1620					X
2	DELL OPTIPLEX 7020 DESKTOP COMPUTER	0.00	4DD8R22	1621					X
3	DELL OPTIPLEX 7020 DESKTOP COMPUTER	0.00	4DF7R22	1623					X
4	DELL OPTIPLEX 7020 DESKTOP COMPUTER	0.00	4DB2R22	1624					X
5	DELL OPTIPLEX 7020 DESKTOP COMPUTER	0.00	4DG1R22	1626					X
6	DELL OPTIPLEX 7020 DESKTOP COMPUTER	0.00	4DC9R22	1627					X
7	DELL OPTIPLEX 7020 DESKTOP COMPUTER	0.00	4DF9R22	1628					X

END of EXHIBIT

7. **Works Board No. 2017-31:** An Order Approving and Authorizing the Metropolitan Police Chief to Enter into a Lease-Purchase Agreement with Centier Bank for two (2) 2018 Ford Utility AWD Interceptors from Lakeshore Ford of Chesterton, Indiana through the State of Indiana pursuant to I.C. 5-22. And Chapter 3.05 of the Highland Municipal Code.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2017-31. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

Town of Highland
Board of Works
Order of the Works Board No. 2017-31

An Order Approving and Authorizing the Metropolitan Police Chief to Enter into a Lease-Purchase Agreement with Centier Bank for two (2) 2018 Ford Utility AWD Interceptors from Lakeshore Ford of Chesterton, Indiana through the State of Indiana pursuant to I.C. 5-22. And Chapter 3.05 of the Highland Municipal Code.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be not less than \$50,000 and not greater than \$155,000.00, pursuant to HMC Section 3.05.060(F);

Whereas, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (C) as well as Section 3.05.050 (B)(1) of the Highland Municipal Code requires the express approval of the purchasing agency; and

Whereas, The Metropolitan Police Chief has identified Lakeshore Ford of Chesterton, IN through the State of Indiana to be a desirable source vendor for the lease-purchase of two (2) 2018 Ford Utility Police Interceptors at price of **\$51,684**, as previously authorized and approved in Works Board Order 2017-20; and

Whereas, The Metropolitan Police Chief, *electing to use the bidding provisions of the public purchase code*, reports bids were solicited, opened and read aloud on November 8, 2017 at the Highland Municipal Building, pursuant to Section 3.05.060 (A)(3) and 3.05.060(H) of the Highland Municipal Code, with the following responses for the lease financing as specified:

Bidder:	Interest Rate
Centier Bank (Highland) Highland, Indiana	2.50%

Whereas, The Metropolitan Police Chief has determined to acquire the two (2) vehicles by Lease-Purchase, with Centier Bank, at a fixed rate of 2.50% with Centier Bank acquiring those vehicles from Lakeshore Ford; and

Whereas, The Town Board of Metropolitan Police Commissioners and the Metropolitan Police Chief have represented seeking additional bids or quotes would not advance the process and may add undue cost to acquisition in time and money; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The lease - purchase payments of the vehicles will be supported by an appropriation in the Municipal Capital Cumulative Fund (MCCD); and

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

Now, Therefore Be It Ordered by the Town Council acting as the Works Board of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Metropolitan Police Chief is hereby directed and authorized to lease to purchase two (2) 2018 Ford Utility Police Interceptors, from Centier Bank in the annual lease-rental amount set forth in the lease agreement for a term of three (3) years, for the total amount of fifty one

thousand, six hundred eighty-four dollars and no cents plus interest (\$51,648.00 plus interest), with Centier Bank acquiring the vehicles from Lakeshore Ford of Chesterton, IN at the market price of \$25,842.00 each;

Section 2. That Works Board now finds and determines that the terms of the Lease with Centier Bank are reasonable and fair;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the lease-purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be It So Ordered.

DULY, PASSED, ADOPTED AND ORDERED by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of November 2017 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL OF THE
TOWN OF HIGHLAND, INDIANA

Dan Vassar, **President** (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

8. **Action to approve *medical disability vacation buy-back*, which is the purchase of up to one-week (five days) of vacation time per biweekly pay period, provided that the Department Head has approved and the board of jurisdiction has approved also, pursuant to Section §5.02.10 of the Compensation and Benefits Ordinance. *The Police Chief is placing the request for Corporal Erich Swisher, to allow 4 days of his unused and available vacation allowance to be applied for the bi-weekly pay periods from December 10 through December 31, 2017.***

Councilor Wagner moved to approve the medical disability vacation buy-back by Corporal Erich Swisher as described. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The medical buy-back for Corporal Swisher as indicated was approved.

9. **Resolution No. 2017-37: A Resolution Approving an Urban Forest Management Plan for the Town of Highland, Indiana. *The Town Council conducted its hearing regarding the proposed Urban Tree Forest Management Plan on October 9, 2017. The Town Council also engaged plan mark-up at its Study Session following the plenary business meeting of October 23, 2017. The final plan, modified from its proposed version, has been informed by input from and dialog with public officials, both elected and appointed as well as residents.***

Councilor Zemen moved the passage and adoption of Resolution No. 2017-37. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND
HIGHLAND TOWN COUNCIL
RESOLUTION NO. 2017-37

A RESOLUTION APPROVING AN URBAN FOREST MANAGEMENT PLAN FOR THE TOWN OF
HIGHLAND, INDIANA

Whereas, The Town of Highland was offered a \$40,000 grant from the Indiana Department of Natural Resources, Lake Michigan Coastal Program with funds provided by National Oceanic and Atmospheric Administration for a Community Tree Inventory and Management Plan; and

Whereas, The Town pledged 50% matching funds for the Project from its Highland Public Sanitation (Sanitary District), Street, Parks & Recreation Departments pursuant to an Interlocal Cooperation Agreement approved November 2015; and

Whereas, The Parks and Recreation Department through its Park Board served as an enhanced entity on behalf of the three participating departments and entered into a September 2016 grant agreement for the administration of Project CZ647 with the Indiana Department of Natural Resources, Lake Michigan Coastal Program; and

Whereas, After a solicitation and consideration of proposals received from qualified forestry consultant firms, the Park Board awarded an \$80,000 contract January 27, 2017 for implementation of the Project with Graf Tree Care, Inc.; and

Whereas, The Community Tree Inventory and a Reforestation Plan was completed July 30, 2017 and summarized in a pamphlet inserted in the September publication of the Town's newsletter (the, *Gazebo Express*) that was distributed to Highland's water customers; and

Whereas, On notice given in the pamphlet, a Draft Urban Forest Management Plan was presented to the Park Board and the Town Council at meetings held September 21 and September 25, 2017; and

Whereas, A public hearing on the proposed Urban Forest Management Plan was held October 9, 2017 on published notice to taxpayers of the Town, served property owners, users of services and other interested parties; and

NOW, THEREFORE BE IT RESOLVED by the Town Council of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council considered review comments received at the public hearing, conducted on Monday, October 9, 2017;

Section 2. That the Town of Highland, through its Town Council does hereby approve an **Urban Forest Management Plan** revised *November 6, 2017*, which is attached and incorporated herein by reference.

Duly passed, resolved and approved by the Town Council acting as the Works Board of the Town of Highland, Lake County, Indiana, this 13th Day of November 2017, by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)**

Attachment: "2017 Highland Urban Forest Management Plan"

Comments from the Town Council:

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison*

Councilor Zemen acknowledged the Building Commissioner. The Building Commissioner provided a brief report on the matters pending before the Plan Commission.

Councilor Zemen acknowledged the Redevelopment Director. The Redevelopment Director reported that the demolition of buildings located at 8610, 8612, and 8618 Kennedy Avenue was commencing on December 12; The Redevelopment Director reminded all of Small business Saturday on November 25, 2017 and encouraged all to shop the downtown.

Councilor Zemen reminded all of the Holiday Parade also on Saturday November 25 leading to the meeting with Santa Claus and the annual Festival of Lights at Main Square Park.

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak acknowledged the Public Works Director, who reported on various Sanitary District and street improvement projects.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison • Redevelopment Commission Liaison.*

Councilor Wagner commended the workforce for having no safety incidents or injuries for the month of October.

Councilor Wagner asked about the placement of a large pine tree behind the Highway of Flags Monument, and about the lights needing replacement.

Councilor Wagner acknowledged the Building Commissioner, who reported on matters pending before the Advisory Board of Zoning Appeals.

- **Councilor Konnie Kuiper:** • *Town Board of Metropolitan Police Commissioners, Liaison. • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reported on the pending “Shop with a Firefighter program.” The Fire Chief also reported that Superior Ambulance was in place and operating as the municipality’s ambulance provider.

- **Council President Dan Vassar:** *Town Executive • Chair of the Board of Police Pension Trustees • Liaison to the Park and Recreation Board.*

The Town Council President acknowledged the Parks and Recreation Superintendent, who reported that the conceptual design of the Skate Park was in place and the Park and Recreation Board expected construction to begin in Spring. The Parks and Recreation Superintendent reminded all of the Pumpkin Plod 10k run and 5k walk on Thanksgiving Day.

Comments from Visitors or Residents:

1. Tom Black, 3515 Garfield, Highland, asked whether there had been any further action related to the construction of the new town hall. He was advised that there was no further action and nothing new to report.
2. Terry Steagall, 8577 Kleinman Road, Highland, renewed his request that the Town Council consider passing some sense of the Council resolution regarding the ending of the “Deferred Action for Childhood Arrivals” (DACA) persons and expressed.
3. Richard Underkofler, 9205 Idlewild, Highland, presented two trees to the Town Council, he had obtained from the Arbor Foundation, one a magnolia tree and the other a Maple red tree. He asked that they be placed on private property for planting. *(It was noted that Councilor Kuiper accepted the trees for planting at his business, Hilltop Funeral Home at Kleinman Avenue, Highland.)*

Payment of Accounts Payable Vouchers. Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **October 24, 2017** through **November 13, 2017** and the **payroll docket for October 27, 2017**. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$441,438.21; Motor Vehicle Highway and Street (MVH) Fund, \$27,008.51; Local Road and Street (LR&S) Fund, \$7,399.16; Law Enforcement Continuing Education, Training, and Supply Fund, \$4,032.32; Capital Projects Retainage Agency Fund, \$25,088.70; Flexible Spending Agency (FSA) Fund, \$1,283.90; Insurance Premium Agency Fund, \$149,070.27; Gasoline Payment Agency Fund, \$16,782.93; Information and Communications Technology Fund, \$8,153.12; Solid Waste District Grant Fund, \$1,210.54; Police Pension Trust Fund, \$67,699.13; Cumulative Capital Development Fund, \$18,606.53; Traffic Violations and Law Enforcement Agency Fund, \$8,778.00; Gaming Revenue Sharing Fund, \$11,275.00; Economic Development Local Income Tax Fund, \$19,280.00; Total: \$807,106.32.

Payroll Docket for payday of October 27, 2017:

Council, Boards and Commissions, \$8,074.00; Office of Clerk-Treasurer, \$13,225.51; Building and Inspection Department, \$8,383.04; Metropolitan Police Department, \$110,081.19; Fire Department, \$41,264.40; Public Works Department (Agency), \$65,819.27 and 1925 Police Pension Plan Pension Fund, \$67,618.39; Total Payroll: \$314,465.80.

Adjournment of Plenary Meeting. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, November 13, 2017 was adjourned at 7:37 O'clock p.m.

The Town Council President announced that the town Council would be meeting in study session immediately following the plenary business meeting.

The Town Council of the Town of Highland, Indiana met in a study session following the regular plenary meeting on Monday, November 13, 2017 at 7:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Persons Attending: Rhett L. Tauber, Town Attorney; and Kenneth J. Mika, Building Commissioner were also present.

General Substance of Matters Discussed.

1. The Town Council, the Building Commissioner, and the Town Attorney discussed a recent communication from counsel representing the developers of Prairie Square extended stay hotel located 45th Avenue. The Town Attorney reported that the developers were in the process of refinancing debt associated with the development and the bank expressed concerns about the status of the property as a nonconforming

use. It was noted that the current Chapter 18.90 of the Municipal Code prohibits the reconstruction of the facility in the event that more than fifty percent of the structure be destroyed or in the event that any nonconforming use is abandoned or discontinued for more than one year. (Confer with Sections 18.90.050 (A)(3) and (C)(1).

The Town Attorney indicated that the current property is not in structural non-compliance but was a non-complying use. He noted that the Prairie Square developer's counsel asked whether the current code could be amended to permit the reconstruction of the current non-conforming use in the event of its destruction.

The discussion noted concerns about the change and that it would not be limited to the Prairie Square property but to all non-conforming uses. The discussion noted that the Town of Munster permitted such reconstruction.

The Town Attorney opined that simply removing the word "reconstructed" from the current language of Section 18.90.050 (C)(1) would meet the objective if the Town Council was inclined.

There was no determination or consensus by the Town Council.

2. The Town Council discussed with the Building Commissioner the status of an Unsafe Building enforcement taking place on Southmoor Avenue.

There being no further matters to discuss the study session following the plenary business meeting of Monday, November 13, 2017 was adjourned at 7:55 p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer